

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JUNE 21, 2001**

PRESENT:       Walter L. Alcorn, Commissioner At-Large  
                  John R. Byers, Mount Vernon District  
                  Janet R. Hall, Mason District  
                  Suzanne F. Harsel, Braddock District  
                  John B. Kelso, Lee District  
                  Ronald W. Koch, Sully District  
                  Ilryong Moon, Commissioner At-Large  
                  Peter F. Murphy, Jr., Springfield District  
                  John M. Palatiello, Hunter Mill District  
                  Linda Q. Smyth, Providence District  
                  Laurie Frost Wilson, Commissioner At-Large

ABSENT:         Joan M. DuBois, Dranesville District

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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**COMMISSION MATTERS**

Commissioner Byers MOVED THAT THE PUBLIC HEARING ON SE-00-V-046, JAMES D. TURNER, TRUSTEE, BE FURTHER DEFERRED TO A DATE CERTAIN OF JULY 11, 2001.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner DuBois absent from the meeting.

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Commissioner Byers MOVED THAT THE PUBLIC HEARING ON SE-01-V-005, WILLIAM A. KINDER, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 4, 2001.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner DuBois absent from the meeting.

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Commissioner Harsel MOVED THAT THE FOLLOWING MINUTES BE APPROVED:

October 04, 2000  
October 05, 2000

October 12, 2000  
October 19, 2000

October 10, 2000  
October 11, 2000

October 25, 2000  
October 26, 2000

Commissioner Byers seconded the motion which carried unanimously with Commissioner DuBois absent from the meeting.

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2001-PR-004, LARRY AND CAROL BOEHLER, BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 27, 2001.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner DuBois absent from the meeting.

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ/FDP-2001-PR-064, S&R DEVELOPMENT INC., BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 28, 2001.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner DuBois absent from the meeting.

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Commissioner Alcorn announced that the Residential Density Criteria Review Committee would meet on Wednesday, June 27, 2001 at 6:30 p.m. in the Board Conference Room.

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Commissioner Harsel announced that the Housing Committee would meet on Wednesday, July 11, 2001 at 7:30 p.m. in the Board Conference Room.

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FSA-5-1 - VOICESTREAM - 6320 Augusta Drive

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE MODIFICATIONS PROPOSED BY VOICESTREAM WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT 6320 AUGUSTA ROAD, SPRINGFIELD, ARE IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH PRIOR APPROVAL GRANTED BY

THE PLANNING COMMISSION AS A “FEATURE SHOWN” ON JULY 21, 1994 AND BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried unanimously with Commissioner DuBois absent from the meeting.

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FS-M01-9 - VOICESTREAM, 2946 Sleepy Hollow Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED FOR THE ROOF ON THE BUILDING AT 2946 SLEEPY HOLLOW ROAD, BE FOUND IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner DuBois absent from the meeting.

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FS-P00-123 - XO COMMUNICATIONS, INC. - 8100 Boone Boulevard

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY XO COMMUNICATIONS, INC., AS AMENDED BY THE STAFF REPORT ADDENDUM DATED JUNE 21, 2001, FOR THE OFFICE BUILDING LOCATED AT 8100 BOONE BOULEVARD, IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers and Kelso not present for the vote; Commissioner DuBois absent from the meeting.

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SE-01-M-009 - KFC OF AMERICA, INC. (Decision Only)

(The public hearing on this application was held on June 13, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE-01-M-009, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 14, 2001.

Commissioners Koch and Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Smyth abstaining; Commissioner Byers not present for the vote; Commissioner DuBois absent from the meeting.

Commissioner Hall MOVED THAT A MODIFICATION OF THE EIGHT FOOT BICYCLE TRAIL IN FAVOR OF THE SIX FOOT SIDEWALK AS SHOWN ON THE SE PLAT BE APPROVED.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Smyth abstaining; Commissioner Byers not present for the vote; Commissioner DuBois absent from the meeting.

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PCA-76-M-112-02 - SEVEN OAKS II HOMEOWNERS ASSOCIATION (Decision Only)

(The public hearing on this application was held on May 16, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-76-M-112-2, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 20, 2001.

Commissioners Alcorn and Wilson seconded the motion which carried unanimously with Commissioners Byers, Harsel and Kelso not present for the vote; Commissioner DuBois absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE MODIFICATION OF THE BARRIER REQUIREMENT IN FAVOR OF THE EXISTING BRICK WALL AS PROFFERED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers, Harsel and Kelso not present for the vote; Commissioner DuBois absent from the meeting.

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RZ/FDP-2000-MV-045 - LORTON VALLEY, L.C. (Decision Only)

(The public hearing on these applications was held on May 17, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-MV-045, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 4, 2001.

Commissioner Wilson seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner DuBois absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2000-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 21, 2001 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Koch and Hall seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner DuBois absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE 600 FOOT PRIVATE STREET LENGTH.

Commissioner Hall seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner DuBois absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENT ADJACENT TO PARCEL 1 ON THE WEST AND IN LAND BAY C2 IN THE SOUTH.

Commissioner Hall seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner DuBois absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENT BETWEEN THE SINGLE FAMILY ATTACHED AND DETACHED UNITS WITHIN THIS DEVELOPMENT.

Commissioner Hall seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner DuBois absent from the meeting.

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#### ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda items:

1. RZ-2001-PR-005 - CESC TYSONS DULLES PLAZA LLC
2. RZ-2000-PR-052 - DECOROUS INCORPORATED

This order was accepted without objection.

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RZ-2001-PR-005 - CESC TYSONS DULLES PLAZA LLC - Appl. to rezone from C-1 and I-4 to C-4 to permit office development w/an overall FAR of 0.85 on property located at the N.W. quadrant of the intersection of Spring Hill Rd. and Tyco Rd. on approx. 14.67 ac. Comp. Plan Rec: Office and public facilities. Tax Map 29-1((1))67A, 67C, 68 & 69. PROVIDENCE DISTRICT. PUBLIC HEARING.

Ms. Inda Stagg, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated October 30, 2000. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Stagg stated that the Comprehensive Plan was very specific regarding criteria which must be met to obtain a floor area ratio of 0.85. She said these criteria were: that any additional structures on the property be architecturally compatible with the three existing office structures; that a transportation analysis be conducted and improvements provided to mitigate the transportation impact directly related to site generated traffic be provided; and that transportation demand management commitments be made which would result in a minimum of 20 percent of site generated trips made by public transportation. She noted that the 20 percent reduction included trips generated by the existing three buildings as well as the proposed building. She said the Plan criteria had been met and the application had the support of staff. She explained that over the past five months the applicant had worked very closely with staff to provide a transportation management plan which incorporated multiple techniques designed to reduce site generation trips and the employment of an onsite transportation management coordinator; promotion of transit use; development of a ridesharing program; onsite sale of reduced media fares; analysis of pedestrian crossings; alternate work schedules; shower facilities for people willing to bike or walk to work; and the guaranteed financing of a transportation management fund for the site. She said a reporting mechanism had been established to provide for feedback to the County and the Planning Commission on a quarterly and annual basis. She noted that the property's location directly adjacent to the Tyson's Westpark transit station was in close proximity to the Toll Road and its Tyco Road entrance and would guarantee the success of the transportation demand management program. She requested a favorable recommendation.

In response to a question from Commissioner Smyth, Ms. Stagg said that she had sent the Rotunda, the nearest residential development, information about the application and they had voted not to oppose the application.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-2001-PR-005, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED JUNE 13, 2001 WITH THE FOLLOWING AMENDMENT: ON PROFFER NUMBER 3, THE FIRST BULLET, DESIGNATION OF A TMP COORDINATOR, THE FIRST SENTENCE WILL NOW READ: "THE APPLICANT OR ITS DESIGNEE SHALL DESIGNATE A TMP COORDINATOR WHO MAY BE A MEMBER OF THE BUILDING OWNER'S MANAGEMENT TEAM AS LONG AS OTHER DUTIES DO NOT INTERFERE WITH THOSE UNDER THE TMP."

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner DuBois absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE PORTION OF THE SOUTH AND EAST PROPERTY LINES TO PERMIT THE EXISTING VEGETATION TO SATISFY THE REQUIREMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner DuBois absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE BARRIER REQUIREMENT ALONG A PORTION OF THE SOUTH AND EAST PROPERTY LINES.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner DuBois absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE TRAIL REQUIREMENT ALONG THE DULLES AIRPORT ACCESS ROAD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner DuBois absent from the meeting.

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RZ-2000-PR-052 - DECOROUS INCORPORATED - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.0 du/ac

on property located on the E. side of Woodford Rd., approx. 500 ft. N. of its intersection w/Wolftrap Rd. on approx. 1.00 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 39-1((1))37. PROVIDENCE DISTRICT. PUBLIC HEARING.

W. McCauley Arnold, Esquire, with McCandlish and Lillard, PC, reaffirmed the affidavit dated February 13, 2001. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Arnold stated that the application was in conformance with the Comprehensive Plan and had a recommended density lower than that of the surrounding neighborhood. He said the number of lots had been reduced from three to two and that proffers provided for right-of-way dedication, sidewalks, a park contribution and a landscaping plan. He said Proffer Number 4b had been revised to replace the word "approval" in the fourth line to "review" and that Proffer Number 7a had been changed to require that the landscape plan be reviewed by the Director of the Office of Site Development Services (OSDS), Department of Environment Service and Environmental Services, instead of the Urban Forester. Mr. Arnold said that the application was compatible with surrounding uses and requested favorable consideration.

In response to a question from Commissioner Smyth, Mr. Arnold said the reason for wanting the landscaping plan reviewed by OSDS was because their decision could be appealed. Commissioners Smyth and Byers and Mr. Arnold further discussed this matter. Commissioner Palatiello suggested that the applicant proffer the landscaping plan to the Planning Commission and to the Board of Supervisors for approval. Commissioner Wilson agreed with this suggestion. Mr. Arnold said that the applicant would not be able to commit to a landscaping plan until stormwater management issues had been resolved. He said some of the neighbors did not like the idea of the dry pond and the applicant was working with them to come up with an alternative plan which might require a waiver.

Commissioner Smyth noted that this application had been deferred from the original March 29, 2001 date so that this issue could be resolved satisfactorily with the neighbors. In response, Mr. Arnold explained that the applicant had proposed to install an infiltration trench in the southwestern corner of the property and to provide additional landscaping and trees. He said although the neighbors liked the proposal, the applicant could not proffer to it because he did not know if the County would agree to it. He also said that a neighbor had an existing problem with drainage and the application had proposed to put a drain in the area where the water was ponding to carry the water out to the street. He noted, however, that the neighbor had not agreed to this proposal.

Commissioner Palatiello suggested that the applicant proffer an alternative plan in the event that a waiver was not granted.



Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Mr. Robert Kruszka, 8457 Hunt Valley Drive, Vienna, said he wanted assurance that the existing water drainage problem would not be exacerbated by the proposed development. He also asked how much water the proposed infiltration trench could hold, if it would be covered by grass and who would be accountable if it did not work.

Ms. Donna Haarz, 8441 Hunt Valley Drive, Vienna, said she was speaking on behalf of herself and Mr. Louis Moussu Rizan, 8439 Hunt Valley Drive. She said they were concerned that the proposed development would exacerbate the existing drainage problem on their properties. She reiterated Mr. Kruszka's concern about who would be held accountable if the stormwater management plan was not effective. Ms. Haarz also said that the tenant currently occupying a house on the subject property had said that she intended to purchase the property and build a house on it, and asked how that might affect the proposed development.

There were no further speakers, therefore Chairman Murphy called upon Mr. Arnold for a rebuttal statement.

Addressing the concern about the present tenant, Mr. Arnold said to his knowledge that person did not have a contract to purchase the property and had not entered into negotiations to do so. He noted that although the applicant had been trying to resolve the existing drainage problem, they were only required to address drainage problems caused by their development. Nevertheless, he said the applicant was willing to try to resolve the existing problem, but it had been difficult to present a detailed engineering plan. He pointed out that the standard way to address a subdivision of this size would be to have a dry pond on an outlot maintained by the County, but because of concerns of neighbors, the applicant had explored, at his own expense, alternative solutions which would require a waiver of Zoning Ordinance requirements, but that the rezoning needed to be approved before a waiver could be granted. He said he did not object to Commissioner Palatiello's suggestion of proposing two alternatives.

In response to a question from Commissioner Smyth, Mr. Ted Britt, Tri-Tek Engineering, said that it would take approximately two to three weeks to develop two alternative plans. Commissioner Smyth pointed out that the stormwater management plans could be submitted to the Department of Public Works and Environmental Services for preliminary review. Mr. Britt said if the applicant chose to develop by-right, an off-site easement would be needed through a neighbor's adjacent property. Responding to a question from Commissioner Smyth, Mr. Britt acknowledged that if the neighbor did not grant the easement, other options would have to be explored.

In response to a question from Commissioner Smyth, which had been raised by Mr. Kruska, Mr. Britt said grass would cover an infiltration trench.

Commissioner Alcorn commented that this case was an example of why the Residential Development and Infill Committee had recommended that stormwater management be evaluated

during the rezoning process. He said this issue was often a deciding factor in a recommendation of approval or denial.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this application. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2000-PR-052 BE DEFERRED TO A DATE CERTAIN OF JULY 12, 2001.

Commissioners Kelso, Byers, and Alcorn seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner DuBois absent from the meeting.

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The meeting was adjourned at 10:05 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: February 13, 2003

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Mary A. Pascoe, Clerk to the  
Fairfax County Planning Commission